

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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DALE C FRANKHOUSER,	:	
Plaintiff,	:	
	:	
v.	:	Civil No. 5:20-cv-03741-JMG
	:	
THE HORST GROUP, INC.,	:	
Defendant.	:	

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**ORDER**

**AND NOW**, this 24<sup>th</sup> day of February, 2022, after careful consideration of Defendant's Motion for Summary Judgment (ECF No. 33), Plaintiff's Response in Opposition (ECF No. 36), the parties' supplemental briefing (ECF Nos. 41, 45), and for the reasons provided in the accompanying Memorandum Opinion, it is hereby **ORDERED** that Defendant's Motion (ECF No. 33) is **DENIED**.

BY THE COURT:

/s/ John M. Gallagher  
JOHN M. GALLAGHER  
United States District Court Judge